REMARKS

The original claims were inadvertently misnumbered by omitting claim number 32. The Applicants have renumbered the claims to correct this typographical error. Thus, there were 52 claims originally submitted.

Original claim 22 was canceled without prejudice. Original claims 23 and 24 were amended to depend directly or indirectly from claim 1. Original claim 50 (renumbered 49) was canceled without prejudice. Original claims 51 and 52 (renumbered 50 and 51 respectively) were amended to depend directly or indirectly from original claim 50 (renumbered 49). Original claim 53 (renumbered 52) was also amended. Claims 1-21, 23-48 and 50-52 (as renumbered) are currently pending in the application.

In accordance with the Notice of Non-Compliant Amendment, claims that were renumbered as claims 32-48 are identified as "Currently Amended." The Applicants note, however, that the bodies of these claims have not been amended.

Reconsideration of the application is respectfully requested. The text of the Amendment submitted November 19, 2004 is copied below.

I. ALLOWABLE CLAIMS.

The Applicants kindly acknowledge that original dependent claims 22-24 are allowable over and free of the prior art. Applicants have amended independent claim 1 with the elements and limitations of claim 22. Accordingly, the Applicants respectfully submit that independent claim 1 is allowable over and free of the prior art. Further, the Applicants respectfully submit that dependent claims 2-21 and 23-28, all of which depend directly or indirectly from independent claim 1, are also allowable.

The Applicants kindly acknowledge that original dependent claims 50-52 (renumbered 49-51) are allowable over and free of the prior art. Applicants have amended original independent claim 29 with the elements and limitations of original claim 50 (renumbered 49). Accordingly, the Applicants respectfully submit that independent claim 29 is allowable over and free of the prior art. Further, the Applicants respectfully submit that original dependent claims 30 and 31, original dependent claims 33-49 (renumbered 32-48) and original dependent claims

51 and 52 (renumbered 50 and 51), all of which depend directly or indirectly from original independent claim 29, are also allowable.

The Applicants also kindly acknowledge that independent claim 53 (renumbered 52) is also allowable over and free of the prior art.

Accordingly, the Applicants respectfully submit that all of the pending claims are allowable per the Office action.

II. REJECTION UNDER 35 U.S.C. §112 ¶2.

Claims 1-53 were rejected under 35 U.S.C. §112 ¶2 as being indefinite for failing to particular point out and distinctly claim the subject matter which the applicants regard as the invention. In particular, the Office action asserts that "high satiety index" is indefinite because it is relative and there is no frame of reference.

In order to expedite prosecution of the application and to provide a frame of reference, the Applicants have amended claims 1 and 29 to call for a satiety index greater than 100.

This amendment is supported by the application as originally filed and does not present new matter. See, e.g., p. 1, lines 26-34 ("Bread is a staple food item in many diets. It would be desirable to produce a bread product that provides high satiety or fullness impressions compared to lower satiety breads, such as conventional white or sandwich breads..."); p. 13, line 7 - p. 16, line 8 (describing satiety index determinations); p. 13, lines 20-23 (satiety determinations made with respect to a reference bread, e.g., a conventional white bread); p. 13, lines 31-32 (reference satiety index value of 100).

Accordingly, the Applicants respectfully request that the rejection under 35 U.S.C. §112 ¶2 be withdrawn.

III. REJECTION UNDER 35 U.S.C. §103(a) IS MOOT.

Certain claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,961,937 to Rudel in view of U.S. Patent No. 6,248,375 to Gilles. The Applicants have amended the claims consistent with the indication that the claims, as amended, are

allowable. Accordingly, the rejection under §103(a) is moot, and the Applicants respectfully request that the rejection be withdrawn.

IV. TERMINAL DISCLAIMER OBVIATES THE OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION.

All of the claims were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent No. 6,706,305, which is also assigned to ConAgra Foods, Inc., the assignee of the subject application.

The Applicants submit herewith a Terminal Disclaimer. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

V. CONCLUSION.

Based on the forgoing remarks, the Applicants respectfully request that the application is in condition for allowance. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number below.

Respectfully submitted,

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Dated: December 7, 2004

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